

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:19-CV-32-D

RANDY DINGLE,

Plaintiff,

v.

JOSEPH N. CALLOWAY, et al.,

Defendants.


**ORDER**

On February 5, 2019, plaintiff, appearing pro se, filed an application to proceed in forma pauperis [D.E. 1]. On April 24, 2019, plaintiff paid the court's filing fee and filed his compliant [D.E. 7]. On April 25, 2019, the clerk of court issued civil summonses for service on defendants and mailed the summonses to plaintiff [D.E. 9, 10]. On August 2, 2019, the clerk of court sent notice to plaintiff of failure to make service on defendants R. Gregg Edwards, William Dancy, and Patricia Ellen Watson Dingle within 90 days of the filing of the complaint and warned plaintiff about the consequences of failing to make service [D.E. 20]. On August 9, 2019, plaintiff responded and states that he did serve summonses to all defendants. See [D.E. 21] 1. Plaintiff further states that he never received anything back from Patricia Ellen Watson Dingle, that he mailed the summons for R. Gregg Edwards to Edward's attorney in another civil case (Molly D. Pearce), and that he mailed the summons for William Dancy to Dancy's attorney in another civil case (Christopher Derrenbecker). See [D.E. 21] 2-3. Plaintiff attaches various certified and priority mail receipts to corroborate his statements. See [D.E. 21-1] 1-4. No defendant filed a waiver of service.

Plaintiff has failed to serve the summons and complaint within 90 days of the filing of the complaint on the three remaining defendants in accordance with the Federal Rules of Civil

Procedure. See Fed. Rule Civ. P. 4. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, plaintiff's case is dismissed without prejudice. See Fed. R. Civ. P. 4(m).

SO ORDERED. This 25 day of September 2019.

  
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JAMES C. DEVER III  
United States District Judge